

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of September 10, 2015

Present: Craig Francisco(chairman), Frank Bolton (vice chair), Neal Kurk(secretary), Bruce Fillmore, John Vanloendersloot(alternate), Frederick W. Hippler (exofficio), Chip Meany(Land Use Coordinator), Tina Ripley(Minute Taker)- **Guests:** Christine Ivinjack

I. Call to order.

The meeting was called to order at 7:05 p.m. by Craig.

II. Conceptual Review.

Christine Ivinjack - Ms. Ivinjack said this is Route 77 Motors on the right hand side closest to the street, there is a house behind the shop. Neal asked if people were living in the house and Ms. Ivinjack said she is renting it out. Ms. Ivinjack said she owns the house that is next door. Ms. Ivinjack said everything has its own septic and is self sustaining. Ms. Ivinjack said the driveway goes thru the shop and with having tenants and traffic they have had incidents where it makes for chaos. Ms. Ivinjack said she would like to move the driveway so they have a shared driveway since that is the only way to do to have the road frontage. Craig said right now you have two lots, 1 with Route 77 Motors and house in back and another with house and Ms. Ivinjack said yes. Craig asked if she wanted to make three lots and Ms. Ivinjack said yes. Craig said Ms. Ivinjack doesn't have any frontage for the third lot. Neal asked if this was zoned commercial and Ms. Ivinjack said both lots. Neal asked what the commercial lot size was and Ms. Ivinjack said she thinks it is 2 acres. Neal said you are creating more non-conforming lots, which will be two 1 acre lots and 1 1/2 acre lot. Neal said each of the two 1 acre lots will be non-conforming and Ms. Ivinjack agreed. Craig said she would need a variance for the two front lots for lot size and a variance for the back lot for not having any frontage. Neal asked if the Board has legal authority to create a shared driveway that was not on the original subdivision plan. Neal said Bruce remembers and he remembers receiving a letter from Mr. Dresher stating they have to go back and file a new subdivision plan since their rules didn't give them the authority to do that. Craig suggested doing a lot line adjustment between the two lots by moving the lot line a foot and doing the shared driveway at the same time.

GM Properties LLP 6 Continued to 9/24/15.

NBAC 6 No Show

Frederick arrived at approximately 7:20 pm.

III. Other Business/Work Session

Zoning Article 3.12.1 ó Craig said Mr. Drescher had an issue with it being in zoning. Chip said that refers to the standards for active and substantial development. Chip said Mr. Drescher would like to have it moved to the subdivision regulations and not in zoning. Chip said it should be removed from zoning and somehow be put in subdivision. Bruce said it can go in subdivision after a hearing. Craig said it can't be taken out until spring since voters have to vote on it. Chip said it really belongs in subdivision because rarely under zoning will someone be putting in a driveway. Chip said it has to do with a substantial completion of a subdivision. Neal asked if Mr. Drescher had a problem with leaving it in zoning and Chip said Mr. Drescher didn't say there was a problem leaving it there, but he recommended we delete it and move it to subdivision.

Proposed Sign Ordinance Changes ó Chip excused himself from this part. Chip said as much as I complain, most things are enforceable

Craig said Article 34, we had a subcommittee comprised of John Vanloendersloot, Tina Connor, Brian Ivinjack, Marc Phillips, Jack Dearborn, and Craig. Craig said the committee tried to make the Article more business friendly, things crossed out are to be removed and things bolded are to be added.

Article 34.3.1

Craig said Article 34.3.1 to be remove ó the reason being if the sign meets the zoning ordinance, he doesn't see any reason they have to wait two weeks to come to the Planning Board for a permit when Chip can say yes it meets the ordinance and they can have a sign permit. Neal asked what kind of discretion does the Code Enforcement Officer have and Craig said it either meets the ordinance or it doesn't. Neal said for example, placement is so specific. Neal thinks they need a process in place so that mistakes can be corrected, he thinks they will run into problems from people with whom they agree with that a violation has occurred but no one can do anything about it. Bruce said he thinks Neal is thinking about two different things ó 1) the typical 30 day appeal on any administrative decisions (for abutters) 2) if it is a decision that an official that is an error, he said he is not sure you need standings. Neal said they need to find out what will happen if Chip makes an error. Bruce said he thinks the sign location and placement can still be on the site plan application. Craig said he thinks the applicant should know they don't need the Planning Board approval for the sign. Neal said if the Board states the sign is going to be a hindrance and dangerous, under this plan all we would do is mention it to Chip and Chip would use his discretion. Neal said he shares their idea that they can make things simpler for people and faster by letting Chip do this. Neal said this is an administrative thing. Frank said he is not sure if the Planning Board should be removed and asked if there is some way to administratively gain the two weeks you are worried about.

Article 34.4.1

Craig said they were trying to allow internally lit signs in commercial and industrial districts. Neal said the way this reads in conjunction with 34.10.3.2 and 34.10.3.4.2, both the letter board signs and the non letter board part sign can be internally lit. Neal asked what kind of environment do we want for the Town of Weare? Neal said there is no limit on brightness or hours.

Article 34.2

Neal said the words "a season or" needs to be removed or defined as it is very unclear what that is. Neal said does that refer to Autumn, Winter, Fall or Christmas season.

Article 34.8

Neal asked what they were trying to accomplish and Craig said they didn't understand why it was there. John suggested changing "attached to or part of an independent" to "free standing" instead of removing "independent". Frederick said it shouldn't be called "proportions" then; it should be called "free standing signs".

Neal said he would like to make a technical suggestion, where we have prohibited signs, shouldn't the new proposal be Article 34.12 "directional/offsite signs". Craig said he sees Neal's point with Article 34.12,

Article 34.9.2

Craig said he removed the whole section. Craig said, why would you want to put a sign on a roof? John gave an example of "Puzzle" on Route 4 in Northwood. Neal asked if it was their intention by eliminating this to allow internally lit signs on roofs in all districts? Neal said he would argue that removing it would allow the internally lit signs on a roof in a commercial district and industrial district. Neal said by eliminating Article 34.9.2 and not substituting it with anything else, why can't in a commercial district have an internally lit sign on the roof? John said he thinks they have height limitations. Frederick said in Neal's proposal, Article 34.9.2 to read as "As sign erected on a roof be prohibited. Neal suggested leaving the first five lines up to farmer's porch in the fifth line. Craig said the only place this would come into play is with multiple businesses on one lot.

Article 34.9.5

No discussion.

Article 34.9.6

No discussion.

Article 34.9.7

John said the thought behind it is a safety stand point. Neal said since we are trying to get the Planning Board out of the sign approval business, wouldn't it make more sense to be more specific to have the sign carved in stone and not have it come before the Planning Board. Neal suggested having the standards put in the ordinance and let Chip handle it and save everyone a trip to the Planning Board.

Article 34.10.1.2

Craig said basically we are changing the height of the signs a little bit. John said we took out independently owned. John said they did the increase due to the snow banks in the winter.

Article 34.10.1.3

John said they increased it from six to eight feet. Neal asked same reason snow and Craig said yes.

Article 34.10.2.2

Neal said that he understands they are increasing by 2/3rds the size of the sign in the village district and it will be 10 feet high, from the center line elevation of the road. Neal said we are trying to preserve the village district visually, but doesn't feel they are with these changes. Neal said he understands they want to go to 10 not 8. Neal said he it is okay to go to eight feet in the residential district, but in the village district you are going from six feet to ten feet. Craig said yes. Neal asked what the 75% was and John said that was if someone wanted to attach a sign to a building

Article 34.10.2.3

Neal said you took out independent and asked what does this do? John said if you have three or four businesses on one lot they are allowing a two by four sign for that additional little business. Frederick said they would have to have a separate business name or that is the way he is reading it. Neal said this need to be clarified some more. Neal asked if there was a maximum. Craig said twelve feet in height. Neal read part of the Article. John said from a sign standpoint he didn't see a limit. Neal said you could have 20 plus 8 businesses at 8 sq. ft. at another 64 sq. ft. on each sign, so a 4x5 sign plus 8 2x4 signs. Craig said not to exceed 48 sq. ft. John said by that definition no more than 3 1/2 additional signs. Craig said we really thought with that many businesses it would be advertised as a plaza not the business, the business would say they are at such in such plaza. Neal said basically we are going from a 3x4 (12 sq. ft.) sign with no additional sign or businesses to a 48 sq. ft. (6x8) sign. Craig said if you had a plaza. Neal said no, it could be one person selling multiple things which is more than one business. Neal said we haven't defined business. Neal asked why they were going from 7 to 12 in a village district. Craig said that is only if you have more than one business. Neal said you left in farmer's porch, but you eliminated the definition when you removed Article 34.9.2.

Article 34.10.2.4

Neal said you didn't make any changes, but notice what it says and he read it. Neal said here is Chip, now having exclusive authority over signs. Craig said the whole problem with that paragraph, consider the Town has signs up that aren't similar to that wording right there. Craig said the Town Hall sign is a lot different than the rest of the signs. John said all those signs are so different though. Neal said the Town Hall sign is a letter board sign. Neal suggested that it be rewritten or deleted.

Article 34.10.3.2

Neal said they discussed the one free-standing primary sign. Neal said these signs are 6'x8' up from 4'x8'. Neal said it is not clear they can be internally lit. Neal said it could be on 24-7. John said we never specified a time. Neal said since there is no restriction, it could be.

Article 34.10.3.4

Neal said if there are two or business on a lot can have 1 free standing sign, no more than two surfaces no more than 32 sq. ft. plus an additional 16 sq. ft. per business and maximum 96 sq. ft. (8'x8'). Craig said we go from 32 sq. ft to 96 sq. ft. Neal said we tripled the size of the signs in commercial district. Craig said only if you have a lot of businesses. John said only if there are enough businesses to meet the maximum. Neal said so we can understand this better, can we have a list or map that shows the currently owned commercial owned sites and who they are. John asked if Neal was looking for an impact map and Neal said yes so they can see what will be affected by this change. Neal said unless we come up with a good definition of business, the business owner can decide how big he wants the sign. John said RSA 77-A:1, and he read it. John said for argumentative purposes, we define what a business is, who is going to police it. Craig said Chip.

Article 34.10.4.2

Neal said they get the same signage except an additional 16' for a letter board sign. Neal asked if they are still keeping the definition of changeable letter signs and John said as far as he knows they are. Neal asked if he would be allowed to have letters only but electrically changeable and John said no. Craig said under Article 34.9.5. John read the Article.

Article 34.12

Neal said this needs to be relocated. John suggested they amend cannot be lit to cannot have reflective lettering or material. Frederick said yes and no, if it is going to be at a right-of-way/driveway you will want to put some kind of reflective material on it so it won't be hit. Frederick suggested that the post have reflective material on it. Neal asked what an off-site sign for direction purpose is. John said Sugar Hill Road where there are all the signs on the corner pointing to various businesses. Neal said it would be nice if this could be self-enforcing so Chip could approve them.

John said he would like to limit the temporary signs be limited to one. Neal said it is Article 34.9.6 and said the thought it limited numbers and had hours. John said Article 34.4.2. and read it, which will need to be changed if we are going to allow lit sign after hours.

IV. Adjournment.

Neal motioned to adjourn. Frederick seconded. All in favor.

Respectfully submitted,

Tina Ripley
Minute Taker